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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  EHFP137US							
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>August 5, 2008</u></p> <p>Signature <u>/Christine Gillroy/</u></p> <p>Typed or printed name <u>Christine Gillroy</u></p>		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Application Number  10/803,559</td><td style="width: 50%; padding: 5px;">Filed  March 18, 2004</td></tr><tr><td colspan="2" style="padding: 5px;">First Named Inventor  Gunter Krasser et al.</td></tr><tr><td style="padding: 5px;">Art Unit  2618</td><td style="padding: 5px;">Examiner  Eugene Yun</td></tr></table>		Application Number  10/803,559	Filed  March 18, 2004	First Named Inventor  Gunter Krasser et al.		Art Unit  2618	Examiner  Eugene Yun
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Art Unit  2618	Examiner  Eugene Yun								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record.      36,981 Registration number _____</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></td><td style="width: 50%; vertical-align: top; padding-left: 20px;"><p><u>/Thomas G. Eschweiler/</u></p><p>Signature</p><p><u>Thomas G. Eschweiler</u></p><p>Typed or printed name</p><p><u>(216) 502-0600</u></p><p>Telephone number</p><p><u>August 5, 2008</u></p><p>Date</p></td></tr></table> <p><b>NOTE:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.      36,981 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>	<p><u>/Thomas G. Eschweiler/</u></p> <p>Signature</p> <p><u>Thomas G. Eschweiler</u></p> <p>Typed or printed name</p> <p><u>(216) 502-0600</u></p> <p>Telephone number</p> <p><u>August 5, 2008</u></p> <p>Date</p>				
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<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. EHFP137US

P2003,0160 US N

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re **PATENT** application of:

Applicant: Gunter Krasser et al.

Application No.: 10/803,559

For: AMPLIFICATION DEVICE WITH SHARED AMPLIFICATION  
STAGE FOR TRANSMISSION AND RECEPTION

Filing Date: March 18, 2004

Examiner: Eugene Yun

Art Unit: 2618

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Favorable reconsideration of the above-identified application is respectfully  
requested in view of the following remarks.

**REMARKS**

Claims 1-16 are pending and have all been rejected in the 6/6/08 Final Office Action. Reconsideration of the application in light of the following remarks is respectfully requested. It is to be appreciated that while reference may be made back to certain parts of the application in this Reply (e.g., page numbers, line numbers, Figs., etc.), that such referencing is not to be interpreted in a limiting manner (e.g., to limit the scope of the claims and/or features therein to the particular portion(s) referenced), but is instead merely done for purposes of explanation, illustration and/or ease of understanding.

Independent claim 1 provides that, in a communications circuit, a joint amplification stage is common to both the transmit and receive amplification devices of the communications circuit, and is configured such that ***a terminal serves as an input in a first operating state of the circuit and as an output in a second operating state of the circuit.***

As a preliminary matter, it is clear that ***the terminal is a terminal of the joint amplification stage***, as opposed to a different part of the circuit. For example, this terminal is recited as part of the joint amplification stage as opposed to the other elements set forth in claim 1, namely a transmit amplification device, a receive amplification device and an antenna. Moreover, the joint amplification device is said to be common to the transmit and receive amplification devices, and configured such that the terminal serves in the manner recited (e.g., an input in one operating state and an output in another operating state). It is respectfully submitted that to interpret the terminal recited in claim 1 to be something other than a part of the joint amplification stage would be a gross mischaracterization of claim 1, tantamount to an intentional misinterpretation (e.g., to provide a means to circumvent the allowability of claim 1). Granted, that claims are to be given their broadest reasonable interpretation during examination. Nevertheless, this interpretation must be ***reasonable***. To interpret claim 1 such that the terminal is something other than part of the joint amplification stage is simply not reasonable.

Given the proper interpretation of claim 1, it is respectfully submitted that Sawai et al. do not teach ***a terminal of a joint amplification device that serves as an input in a first operating state of the circuit and as an output in a second operating state of the circuit.*** For example, the terminals of amplifiers 23, 24 in Sawai et al. do not change depending on the mode or operating state of the apparatus. That is, regardless of whether the apparatus is transmitting or receiving signals, the signals always enter amplifier 23 and exit amplifier 24. In this manner, the terminals of amplifiers 23, 24 that serve as inputs when the communication apparatus is operating in a reception mode also serve as inputs when the communication apparatus is operating in a transmission mode. Similarly, the terminals of amplifiers 23, 24 that serve as outputs when the communication apparatus is operating in a reception mode also serve as outputs when the communication apparatus is operating in a transmission mode.

More particularly, in a ***receive mode***, a signal traverses the following path: antenna 1, switch 4c to 4b, band pass filter (BPF) 42, ***amplifier 23, amplifier 24***, band pass filter (BPF) 43, switch 6a to 6c, mixer 10 (for down-conversion) and switch 7c to 7b. Similarly, in a ***transmit mode***, a signal traverses the following path: switch 6b to 6c, mixer 10 (for up-conversion), switch 7c to 7a, band pass filter (BPF) 42, ***amplifier 23, amplifier 24***, band pass filter (BPF) 43, switch 4a to 4c and antenna 1 (Fig. 4; Col. 6, lines 26-61). ***Since the same path is always travelled Sawai et al. (42=>23=>24=>43), the same terminals of amplifiers 23, 24 always serve the same function*** (e.g., as an input or an output) regardless of whether the communication apparatus is operating in a reception or transmission mode (Fig. 4; Col. 6, lines 26-61).

This is in stark contrast to the subject matter provided in claim 1, where a terminal of the joint amplification stage changes function depending upon an operating state of the communications circuit. See, for example, Fig. 1 of the instant application, wherein the source and drain terminals of transistor 2 (joint amplification stage) serve as input and output terminals, respectively, in one operating mode (e.g., transmission),

but "switch" functionality and serve as output and input terminals, respectively in a different operating mode (e.g., reception).

Further, Col. 6, line 62 to Col. 7, line 8 and Fig. 4 of Sawai et al. relied upon for teaching this feature in the 6/6/08 Final Office Action merely provide that under one circumstance, the received signal is not passed through the transmit-receive common amplifiers 23, 24. It is respectfully submitted this does not teach the terminals of amplifiers 23, 24 "switching" functionality depending upon operating mode of the communication apparatus. That is, not using or bypassing the amplifiers 23, 24 clearly fails to teach the terminals of the amplifiers 23, 24 "switching" functionality as provided in independent claim 1.

Accordingly, it is respectfully submitted that Sawai et al. do not anticipate independent claim 1, at least, because Sawai et al. do not teach a joint amplification stage that has a terminal whose function changes depending on the operating mode of the device. More particularly, ***because Sawai et al. teach an apparatus having amplifiers 23, 24 whose terminals always function as inputs or outputs regardless of whether the apparatus is transmitting or receiving signals, Sawai et al. fail to teach a joint amplification stage having a terminal that serves as an input when signals are transmitted/received and as an output when signals are received/transmitted.*** It is thus respectfully submitted that independent claim 1 is allowable over Sawai et al. (and applicant's admitted prior art which does not make up for the deficiencies of Sawai et al.). The claims remaining in the case depend from independent claim 1 and are thus also believed to be allowable over Sawai et al. (and applicant's admitted prior art). Withdrawal of this rejection and allowance of claims 1-16 is therefore respectfully requested.

**CONCLUSION**

For at least the above reasons, the claims currently under consideration are believed to be in condition for allowance.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, LLP162WOUS.

Respectfully submitted,  
ESCHWEILER & ASSOCIATES, LLC

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